

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 9

FINAL READING

Introduced by Wightman, 36.

Read first time January 8, 2009

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend section
2 77-2704.13, Reissue Revised Statutes of Nebraska,
3 and sections 77-2701 and 77-2701.04, Revised Statutes
4 Cumulative Supplement, 2008; to exempt mineral oil from
5 sales and use taxes as prescribed; to exempt wood and
6 corn used as fuel in irrigation and farming from sales
7 and use taxes; to harmonize provisions; to provide
8 operative dates; to repeal the original sections; and to
9 declare an emergency.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sales and use taxes shall not be imposed on
2 the gross receipts from the sale, lease, or rental of and the
3 storage, use, or other consumption in this state of mineral oil to
4 be applied to grain as a dust suppressant.

5 Sec. 2. Section 77-2701, Revised Statutes Cumulative
6 Supplement, 2008, is amended to read:

7 77-2701 Sections 77-2701 to 77-27,135.01 and 77-27,228 to
8 77-27,236 and section 1 of this act shall be known and may be cited
9 as the Nebraska Revenue Act of 1967.

10 Sec. 3. Section 77-2701.04, Revised Statutes Cumulative
11 Supplement, 2008, is amended to read:

12 77-2701.04 For purposes of sections 77-2701.04 to 77-2713
13 and section 1 of this act, unless the context otherwise requires,
14 the definitions found in sections 77-2701.05 to 77-2701.53 shall be
15 used.

16 Sec. 4. Section 77-2704.13, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 77-2704.13 Sales and use taxes shall not be imposed on
19 the gross receipts from the sale, lease, or rental of and the
20 storage, use, or other consumption in this state of:

21 (1) Sales and purchases of electricity, coal, gas, fuel
22 oil, diesel fuel, tractor fuel, propane, gasoline, coke, nuclear
23 fuel, and butane, wood as fuel, and corn as fuel when more than
24 fifty percent of the amount purchased is for use directly in
25 irrigation or farming;

1 (2) Sales and purchases of such energy sources or fuels
2 made before April 1, 1993, or after March 31, 1994, when more
3 than fifty percent of the amount purchased is for use directly
4 in processing, manufacturing, or refining, in the generation of
5 electricity, or by any hospital. The state tax paid on purchases
6 of such energy sources or fuels during the period beginning
7 April 1, 1993, and ending March 31, 1994, shall not exceed one
8 hundred thousand dollars for any one location when more than fifty
9 percent of the amount purchased is for use directly in processing,
10 manufacturing, or refining or by any hospital. All purchases
11 of such energy sources or fuels for use in the generation of
12 electricity during the period beginning April 1, 1993, and ending
13 March 31, 1994, shall be taxable. Any taxpayer who has paid the
14 limit of state tax on such energy sources or fuels at one location
15 shall be exempt on all other qualifying purchases at such location.
16 Such taxpayer shall be entitled to a refund of any amount of
17 state or local option tax paid on an energy source or fuel exempt
18 under this subdivision. A refund shall be made pursuant to section
19 77-2708; and

20 (3) Sales and purchases of water used for irrigation of
21 agricultural lands and manufacturing purposes.

22 Sec. 5. Sections 4, 5, 7, and 8 of this act become
23 operative on April 1, 2009. The other sections of this act become
24 operative on October 1, 2009.

25 Sec. 6. Original sections 77-2701 and 77-2701.04, Revised

1 Statutes Cumulative Supplement, 2008, are repealed.

2 Sec. 7. Original section 77-2704.13, Reissue Revised
3 Statutes of Nebraska, is repealed.

4 Sec. 8. Since an emergency exists, this act takes effect
5 when passed and approved according to law.